

This is a Class Action under Federal Rule of Civil Procedure 23 by Defendants' Pest Control Technicians of Defendant Greenix under the Fair Labor Standards Act of 1938, *as amended*, (FLSA) 29 U.S.C. §§2001 et seq.

1. Plaintiff Class Representative Kenneth Hutt was a Technician at Defendant Greenix Pest Control LLC. His legal situation is typical of the Class Members represented pursuant to Rule 23(a)3. Questions of law and fact common to the class members predominate over individualized ones pursuant to Rule 23(b)(3).
2. Plaintiff Class Representative Kenneth Hutt is a resident of the City of Gahanna, County of Franklin, State of Ohio.
3. Defendant Greenix Pest Control LLC is headquartered in Utah doing business in Galloway, Ohio and other states.
4. Defendant Greenix Holdings LLC is headquartered in Utah and is a Utah corporation. Greenix Holdings is an owner of Defendant Greenix Pest Control.
5. Defendant Matthew Flanders, President of Greenix Pest Control LLC, is located in Ohio and is an owner of Defendant Greenix Pest Control.
6. Defendant Robert T. Nilsen, Chief Executive Officer of Greenix Pest Control LLC, is located in Utah and is an owner of Defendant Greenix Pest Control.
7. Defendant Nilsen Ventures LLC is headquartered in Utah and is an owner of Defendant Greenix Pest Control.
8. This Court has jurisdiction over the claim asserted in this Complaint pursuant to Federal Question Jurisdiction under 28 U.S.C. §1331.
9. Venue is proper in this Court because Plaintiff and Class Representative reside in this jurisdiction and Greenix Pest Control LLC conducts business in this jurisdiction as well.

10. The Class Members are all employees in the position of Technicians. The Class Members can be ascertained through Defendants' payroll, personnel files and respective records. The numerosity of Class Members of approximately 186 is such that it would be difficult to litigate individually. All proposed Class Members have been subjected to the same wage violations and for the same reasons.
11. Separate adjudications will create a risk of decisions that are inconsistent with or dispositive of other Class Members' claims; declaratory or injunctive relief is appropriate based on the Defendants' acts with respect to the class generally, or common questions predominate and a class action is superior to individual actions.
12. Defendants failed to pay minimum wage to Plaintiff and Class Member Technicians under 29 U.S.C. §206 and overtime compensation under 29 U.S.C. §207.
13. Plaintiff Kenneth Hutt was employed as Lead Technician at Defendants' Galloway Ohio facility beginning February 19, 2019. Defendants fired Plaintiff after he complained about wage and other legal violations.
14. Defendants failed to pay minimum wage to Plaintiff and Class Member Technicians for their time spent preparing to travel to work sites in the morning and for driving time to the various job sites. When this time is added to the hours paid, Defendants failed to pay proper overtime compensation of time one and a half.
15. Defendants violated the FLSA by paying Plaintiff and his fellow Technicians only for the time spent on pest control services at customers' premises while many work hours accrued off work sites including laundering of uniforms and weekly car wash which should be added to the overtime calculations.
16. It is likely that discovery will reveal evidence that the claims of the named Plaintiff are typical of the claims of the punitive class.
17. Plaintiff and Class Members request that this Class Action proceed on the basis of Class Members having the opportunity to "opt out" of this law suit.

WHEREFORE, Plaintiff and Class Members demand judgment as follows:

- a. award Plaintiff and Class Members unpaid wages for hours worked wherein they were not paid minimum wages;
- b. award Plaintiff and Class Members damages for unpaid overtime wages of time and a half of their hourly wages;
- c. award Plaintiff and Class Members double damages;
- d. award Plaintiff and Class Members reasonable attorney fees and costs;
- e. award Plaintiff and Class Members prejudgment interest and post judgement interest; and
- f. grant equitable relief.

Respectfully submitted,

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Jury Demand

Plaintiff requests a Jury Trial.

Respectfully submitted,
s/Emily J. Lewis/s
Emily J. Lewis